IN THE HIGH COURT OF BOMBAY AT GOA
***

CIVIL REVISION APPLICATION NO. 169 OF 2000

Shri Shanatchandra
Vithol P. Gaunkar,
major of age, service,
r/o Old Market,
Margao, Salcete, South Goa. ... Petitioner

Versus

1. Smt. Laximibai Narayana
Porobo Sawkar, widow,
landlady, housewife
(deleted as per order
dated 10.3.1992),

2. Dr. Gopinath Sawkar,
Physician, widower and
his son,

3. Shri Satyajit Gopinath
Sawkar, landlord,
married to

4. Smt. Vijaya S.P.
Sawkar, housewife,

5. Kum. Leena G.P.
Sawkar, major of age,

6. Kum. Sulabha G.P.
Sawkar, major of age,

7. Shri Yeshwant Sawkar,
landlord, and his wife,

8. Smt. Essoda Y. P.
Sawkar, housewife,

9. Shri Subhash Sawkar,
married, landlord,
and his wife,

10. Smt. Sukanti N. P.
housewife,
all r/o Borim,
Ponda, Goa,

11. M/s Chowgule Metal
Industries Ltd.,
with office at Harbour,
Mormugao, Goa,

12. M/s Mandovi Pellets,
with registered

office at Harbour,
Mormugao, Goa,

13. Shri Devidas Govind P. Gaonkar, (since deceased) through his L.Rs. and his wife:-

13(A) Shri Sandip Devidas P. Gaonkar and his wife,

(B) Mrs. Srutee Sandip P. Gaonkar, both r/o House No.1714, Aksan, Shiroda, Ponda, Goa,

(C) Mrs. Sampada Devidas Gaonkar, alias Sampada Chandrakant Ghate and her husband,

(D) Shri Chandrakant Ghate, of major age, both r/o B/1, Mathe Wada, Sawantwadi, Maharashtra,

14. Smt. Shailaja D.P. Gaonkar, housewife,

15. Shri Venkatesh Modhu P. Gaonkar, landlord, and his wife,

16. Smt. Malati V. P. Gaonkar (since deceased), by her L.Rs.:-

16(A) Shri Madhu Venkatesh P. Gaonkar, major and his wife

(B) Smt. Mamta Madhu P. Gaonkar, of major age, both r/o House No.1694, Akan, Shiroda, Ponda, Goa,

17. Smt. Amba Ananta Pedgaonkar and her husband (expired),

18. Shri Anant Pedgaonkar, both r/o Pramila Parkax, Akkalkot,

Solapur 413216 (expired),

19. Smt. Sindhu Vilas Sumant,
and her husband

20. Shri Vilas Sumant,
both r/o Paris
Bungalow, 48/56,
Erandevan, Pand Road,
Pune-38 (Ex-
serviceman Colony,
near Bharti Vidhypith),

21. Smt. Jivan Divakar
Dixit and her husband

22. Shri Diwakar Dixit,
both r/o Vishal Bldg.,
Ground Floor,
Parvatinagar, S.V. Rd.,
Dahisar East,
Bombay 400 068,

23. Mr. Anil Pedgaonkar,
married to,

24. Smt. Vinala Anil
Pedagaonkar,
both r/o Govt. Quarters,
near Ex-MLA Residence,
Seeface Rd., Worli,
Mumbai 400 018,

25. Smt. Beena Shuchendra
Kulkarni, married to

26. Shri Shuchendra
Kulkarni, both r/o
MAH-20, Telko Colony,
Ajmer Pempari,
Pune 411 018,

27. Mr. Nitin Anant
Pedgaonkar,

28. Dr. Vishwagith Anant
Pedgaonkar, married to

29. Dr. Assawari Pedgaonkar,
r/o Pramila Park, near
Old Rajwada at Akkal
Kot, Solapur,
Maharashtra 413 216. ... Respondents

Shri D. Pangam, advocate for the petitioner.

Shri R. G. Ramani, advocate for respondents no. 2 to 10.

CORAM: V. C. DAGA, J.

DATE: 5th July, 2002

ORAL JUDGMENT

On the motion made by the learned counsel appearing for the petitioner, he is allowed to withdraw his application at Annexure 'C' (page 115), for amendment under Order VI Rule 17 C.P.C., as the same suffers from technical defects for want of proper pleadings, with liberty to file proper application. With the withdrawal of the above application, the impugned Order would not survive.

2. The petitioner is allowed to file fresh application specifying the text of the amendment with relevant pleadings. In the event of such application being made, the trial Court is directed to consider the said application on its own merits, without getting influenced with the earlier impugned Order dated 12th June, 2002.

3. All the defendants shall be at liberty to file their replies and raise all objections as may be permissible in law which the trial Court may decide on its merits.

4. This Civil Revision Application stands disposed of in the above terms, with no order as to costs.

V. C. DAGA,J.